FOR MYSORE STATE

Development (1951) Department

~~H~~ RI SERIES.

G.O. NO. 131

Dated 24-2-51

Pass
Key

[Despatch Abstract.]

Mines - Mining - Certificate of Approval - (Bellary)
Application of Sri: B. Jeswanth Singh of Hospet
Refused &c - Regulated

Revenue Department.

Subject.

Mining - Certificate of approval - (Bellary) - Application of Sri Yeswantha Singh of Hospet - Refund of fees - Orders - Requested -

Madras. Bd's Ref.L.1347/50-6. Dated:— 3-10-1950.

Sri N. C. Thomas, B.A.,
Joint Secretary, Board of Revenue.

Sri V. N. Kudva, I.C.S.,
Commissioner of Commercial Taxes.

ASST. SECRETARY TO GOVERNMENT
4 OCT 1950
DEVELOPMENT DEPARTMENT

Read:- From the Collector of Bellary, No.Rc.1092/49A1, dated 25-2-1950.
From the Collector of Bellary, No.Rc.10902/49 A1, dated 15-5-1950.
-do- Rc.10902/49 A1, dated 8-6-1950.
" C.No.10902/49 A1, dated 28-6-1950.
" Rc.10902/49, dated 18-9-1950.

REFERENCE:—

Submitted to the Government.

2. The Board submits that the claim for refund in this case has become time-barred as it has been preferred beyond 3 years from the date of remittance. It however, recommends that the amount of Rs.50/- remitted towards Certificate of approval may be refunded to the applicant after investigation of the claim by the Accountant-General.

for Joint Secretary.

To The Secretary to Government, Development Department, Madras.
with encls., in original.).

rm.3/x.

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Copy of letter from the Collector of Bellary, Rc.No.1092/49.A1, dated 25-2-1950, to the Board of Revenue, Madras.

Sub:- Mining - Certificate of approval - Refund of amount of Rs.50/- - Petiti of Sri. Yeswantha Singh of Hospet -

Sri B. Yeswantha Singh, Hospet, has put in an application for the refund of Rs.50/- being the fees credited by him in chalan No.443 dated 14-5-1945 of Hospet Sub Treasury for the grant of certificate of approval, on the ground that he did not get any orders. The amount was credited to V. Land Revenue - Miscellaneous other items for September, 1945 and the account books of the sub Treasury, Hospet, disclose that the amount was not refunded to him. There is no information whether he was granted a certificate of approval at all by the Board. Even the Fort St. George Gazettes for the years 1945 to 1949 does not throw any light on this point. I request to be informed with reference to the records in the Board's Office whether the applicant was ever granted a certificate of approval during the years 1945 to 1949 to enable me to come to the conclusion whether he is entitled for the refund of the amount of Rs.50/- now claimed by him.

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Copy of letter from the Collector of Bellary, Ref.C.No.10902.49.A1, dated 15-5-1950, to the Board of Revenue, Madras.

Ref:- Board's Ref.No.L.1347.50.2, dated 23-3-1950.

According to Board's Standing Order 189 a revenue or amount to which Government are not entitled can be refunded. In this case the applicant has credited Rs.50/- in challan No.443, dated 14-9-1945 of Hospet Sub Treasury towards the fees for the renewal of certificate of approval which was credited to "V.L.R. Misc. other items". The certificate of approval was not renewed. He is, therefore, entitled for refund under Board's Standing Order 189.

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P.T.O.

Copy of letter from the Collector of Bellary, Ref.C.10902/49.A.1, dated 8-6-1950, to the Board of Revenue, Madras.

Ref:- 1. Bd's Ref.L.1347/50-2, dated 23-3-1950.
2. Board's Ref.L.1347/50-3, dated 26-5-1950.

- The information whether the application of Sri. Jaswantha Singh was forwarded to the Board could not be furnish as the concerned personal registers have been mislaid. It is therefore requested that the information may be verified from records available in the Board's Office if convenient.

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Copy of letter Ref.C.No.10902/49-A.1., dated 28-6-1950, from the Collector of Bellary, to the Board of Revenue, Madras.

Ref:- Board's Ref.L.1347/50-4, dated 23-6-1950.

His petition dated 8-8-1949 (received in this office on 17-8-1949) is the first application for refund. This petition was submitted to the Board along with other papers on 15-3-1950.

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Copy of letter No.Rc.No.10902/49, dated 18-9-1950, from the Collector of Bellary, to the Board of Revenue, Madras.

Sub:- Mining - Certificate of approval - (Bellary) - Refund of amount of Rs.50/- Petition of Sri B. Jaswantha Singh - Of Hospet - Report submitted -

Ref:- Ref.L.1347/50.5, dated 9-8-1950, from the Board of Revenue, Madras.

The detailed enquiries conducted by the Tahsildar, Hospet reveal that Sri B. Jaswantha Singh of Hospet credited a sum of Rs.50/- in chalan No.443, on 14-9-1945 in the Hospet Sub-Treasury for the grant of original certificate of approval and not towards the renewal of the certificate of approval and that he applied to the Board of Revenue, Madras through the Collector, Bellary in September, 1945. The applicant was silent for nearly 4 years and in August, 1949 he applied to the Collector for the grant of refund of the amount as he had not intention to work the mines. The refund application was already submitted to the Board in this Office R.C.No.10902/49, dated 15-3-1950. - favo

The ex.reminder received from the Board is re-submitted herewith.

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TRUE COPY.

for Joint Secretary.

rm.3/x.

From
Sri [illegible], B.A.,
Tahsildar, Hospet.

To
The Collector,
Bellary.

Sir,

Sub: Lands - certificate of approval of refund of amount of petition from Sri. Jaswanth Singh.
Ref: Your B.O. 19022/49 dated 9-1-50.

I submit that your original reference C.No. 10902/49 dated 20-8-49 has not been received in this office. I request that you will kindly despatch a copy of the original reference to enable me to submit my reply. I shall get the necessary particulars from the party and shall submit a report in a week.

SS/23.

For Tahsildar. 24-1-50

From

Sri.S[illegible] B.A.,
Tahsildar, Hospet.

To.
The Collector,
Bellary.

COLLECTORATE OFFICE
23 JAN 1950

Rc.No.413/50A1 dated 24-1-50.

Sir,

Sub: Mines - certificate of approval - B.Jasvantha Singh - mining Overseer, Hospet - credit - report submitted -

Ref:His application dated 23-1-50.

Iqsubmit that Sri.Jasvanth Singh, Mining Overseer crdaited a fee of Rs.50/- in Ch.No. 443/14-5-45 for certificate of approval of Mines. As he did not receive the orders he did not work any mines. He now requests for the refund of the said amount. It was included in V.L.R. Misc other items for Sept.45. Thetotal collection for the month under VII L.R. was 1600-13-5. No refund has been ordered and it has not beem refunded. As he is not willing to work the mines now he wants the refunds. As there are no orders or entries in the records of this office to show that certificate of approval was granted I recommend that the refund applied for may be sanctioned. His application is enclosed.

For Tahsildar. 26/1/50

as/24)

To District Collector,
B E L L A R Y.

SUB-TREASURY 1950 HOSPET

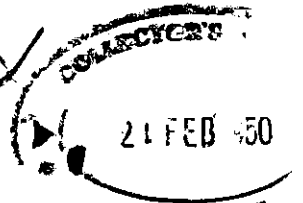
Sub:- Claiming refund of fees at Tulut - refund of fees for a certificate of Approval requested.

Ref:- Your lr.No.D.9805/49A1 of 21-7-1949.

I had paid the fees for a certificate of approval as long back as 1945. The fees was paid in Ch.No.446 dated 17-5-1945 in the Hospet Subtreasury. I applied for a certificate. I did not get any reply from either Collector or Board of Revenue. I wish all these years after living quietly. Now I do not wish to have any thing to do with the certificate. I request that the refund of the fees may kindly be ordered.

Yours faithfully,
for B. Jogendra Singh,

B. Jogendra Singh,
Land Owner,
Tulut.



11 45

Memorandum of the Collector, Bellary
E.C. Allardice Esq., I.C.S.,

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Ref. 10902/49 A.1 dated 4-2-50

Sub:- Mining - Certificate of approval refund of amount - approximate month and year in which application was sent - report requested.

Ref:- Petition from Sri.B. Jaswantha Singh Hospet D/8-3-49

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Sri. B. Jaswanthasingh, Hospet is requested to report at an early date the month and year in which he applied for the grant of certificate of approval.

T.K. 6/2 By order

Sd. R. Anniah Naidu
For Collector

Huzur Head Clerk

Sri.B. Jaswantha Singh
Mining overseer, Hospet.

I have no proposal
to make
B. Jaswantha
24/2/50

SERVICE
INDIA POSTAGE

13 Dec J. 4

Pl. note 62/14/4
9/13/4

Memo no. 100280 J/50-1 dated 13.10.50.

Subj: Mines - Mining. Certificate of Approval (Bellary) - Refund of fees Application of Sri Yeswantha Singh of Hospet.

Encl= Ref: From the Bd of Rev. ref no. L.1347/50-6 dated 3.x.50.

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From the correspondence forwarded with the reference cited it is not clear whether Sri Yeswantha singh was granted a certificate of Approval or not. The Board of Rev is requested to state definitely what orders were passed on the application for a certificate of Approval.

Kdn 12.x.50. Kdn 12.x.50.

By 13 ES

TO

The Board of Rev

Rd. 2.11.50 (3)16/4

Ex. vim on 3/11/50

NR. 1.12.50

Kdn 3.11.50.

ER. vim on 8/12/50

N.R on 28/12/50

Kdn 8.12.50

5 encls cf

× P encl 2 cf

Note :- Please see the Bd's reference in pl cf. and the enclosures thereto. In his letter dated 25.5.50 the Collector has stated that the certificate of Approval was not renewed. Subsequently in his letter of 18.9.50 he has reported that the fee paid by the applicant was for the grant of a certificate and not towards renewal. It seem ~~to~~ prepared to verify whether the applicant was granted a certificate or Approval or not. The Board may be asked to state definitely whether a certificate was not granted Subject to the above the draft memo above is submitted for approval.

12x50 Kdn 12.x.50

By 13 ES

Revenue Department 13902 15/19
Subject

Mining - certificate of approval- (Bellary) application of Sri Yeswantha singh of Hospet- refund of fee - report submitted.

Station: Madras Ref.L.1347/50-8 dated 2/2/51

From

Sri N.C.Thomas, B.A., Joint Secretary, Board of Revenue
Sri V.N.Kudva, I.C.S., Commissioner of Commercial Taxes.

Read: From the Collector of Bellary Rc.1092/49A1 Dt.25/2/50
Board's Ref.L.1347/5066 dated 3/10/50
Govt.memo No.100280J/50-1 Dev. dated 13/10/50
From the Collector of Bellary Rc.No.10902/49A1 Dt.22/11/50
Govt.memo No.100280J/50-2 Dev. dated 2/1/51

- - - -

Read again: This office Rc.No.10902/49-A 1 dated 8/6/50
Board's letter No.Ref.L.1347/50-7 dated 10/11/50

- - - -

I invite attention to this office reference quoted above It is difficult to state definitely the nature of orders passed on the application of Sri B.Jaswantha Singh of Hospet - for the grant of a certificate of approval as the concerned personal registers of 1945 are not forthcoming having been mislaid in this office.

Since the applicant himself states that he submitted an application for the grant of a certificate of approval after crediting the requisite fee of Rs.50/- to the Board of Revenue, Madras through this office, the application in the usual course, would have been submitted to the Board with the necessary recommendation.

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Reference:-

Submitted to the Government.

2. The Board submits that Sri Yeswantha Singh of Hospet applied for the grant of a certificate of approval after crediting a sum of Rs.50/- in Hospet Sub Treasury. The applicant kept quiet for nearly 4 years till August 1949 when he applied to the Collector for refund of the amount as he had no intention to do mining. The applicant has stated that he applied for the grant of certificate of approval to the Board through the Collector. The Register of certificate of approval granted in 1945 has been varified and his name does not appear amongst those who were granted certificates of approval. The personal registers of 1945 are not forthcoming. The Collector states that the Fort St George Gazettes for the years 1945 to 1949 do not throw any light whether he has been granted a certificate of approval.. It cannot be stated definitely whether the application for the certificate of approval was received in the office of the Collector or the Board and what orders were passed on it.

FOR JOINT SECRETARY.

TO

The Secretary to Government
Development Department
Madras.

skr.2/2

Dest-2

Sub:- Mines - Mining - Certificate of Approval (Bellary) Application of Sri. B. Jeswanth Singh of Hospet - Refund of fee - Rejected.

Ref. From the Bd of Rev. L 1347/50-6 dated 3.10.50.

G.O (RC) No. 131 Dest. dated 24/2/51

The application of Sri. B. Jeswanth Singh of Hospet for the refund of the fee of Rs 50 paid by him in ~~Jodhpur~~ Rs 45 for the grant of the Certificate of Approval is declined; as he is not entitled to the refund at this stage.

By order

To
Sri. B. Jeswanth Singh
Mining owner
Hospet.

Copy to the Bd of Rev. Madras.

P-1-cf- 23/2/51

39/26/2

P-9-cf- 21.2.51

21.2.51

Devt. Dept. 'J'

Sub:- Mines- Mining- Certificate of approval- (Bellary)- Application of Sri Jaswantha Singh of Hospet-Refund of fee.

Ref:- From the Bd. of Rev., L.1347/50-6, dated 3-10-50.
Govt. Memo.No.100280-J/50-1, dated 13-10-50.
From the Bd. of Rev., L.1347/50-8, dated 2-2-51.

In his letter dated 8-8-49, Sri B. Jeswantha Singh of Hospet, applied to the Collector of Bellary for the refund of the fee of Rs. ~~5~~ 50/- remitted by him in chalan No. ~~XX~~ 443, dated 14-9-45 in Hospet Sub-Treasury, for the grant of a certificate of approval for the year 1945, as he ~~has~~ did not receive any orders on his application and as he ~~does~~ did not propose to ~~carry mining.~~ prospecting work. In forwarding the application for refund, the Collector reported that according to the account books of the Sub-Treasury ~~show that~~ the amount has not ~~been~~ refunded to him. But though the Collector recommended the refund, he was not able to state definitely whether the application was granted or not. At one time he reported to the Bd. that the certificate was not renewed, as if ~~it was a~~ an application were for a renewal. In another reference he stated that application was for the grant of a fresh certificate and not one for renewal. (According to the rule then in force, the fee for the grant of a fresh certificate was Rs.50/- and that for renewal Rs.10/-).

The Bd. also recommended the refund though the claim was barred by limitation but without verifying the nature of the orders passed on the application for certificate of approval. As the party would not be entitled to ~~be~~ The refund, if his certificate had been granted, the Bd. was asked to state definitely what orders were passed on the application. Neither the Bd. nor the Collector is able to say exactly as to what orders were passed on the application in 1945, as the relevant papers could not be traced. But, the Bd. has however stated that the register of certificates of approval maintained in its office and the F.S.G. Gazette for 1945 to 1949 do not show that a certificate was granted to Sri Jaswantha Singh.

2. The party will not be entitled to the refund ~~only~~ if he had been granted a certificate by the Bd. But, he has stated that he has not so far received any orders on his application. From the statement of the Bd. at 'R' on p.19 c,

it has to be taken that the party was not granted a certificate. If so, the amount ~~would have been~~ were he refundable to the party but for an fact that the refund ~~is~~ was barred by limitation even on the date on which the party had applied for the refund. But, in view of the recommendation of the Bd. it is for orders whether the refund will be accepted and with reference to ~~art.~~ art. 52 of the ~~M.F.C~~ M.F.C, the A.G. will be authorised to scrutinise the claim ~~subject to a reduction for the late application for refund~~ processing instructions.

Finance may see for remarks.

gmp 9.2.51 Ker 9.2.51.

Rev 10 2 57 Asst 11/2 Fin

The Board has kept quiet for 6 years and has no claim on merits at this stage may be rejected Rev

Dept no n-1002807/s dated 12.2.57

Fin. (Exp B)

Finance may agree with the view of Dept at 'A' above.

Rev 13.2.51

A 15/2/51

ADDITIONAL DEPUTY SECRETARY 1136 13 FEB 1951 EB FINANCE DEPARTMENT

Dev Fin w.o.1136/EB/51. 15-2-51

Cnw 19332 D/57 19.2.57.

Dept. D:

To AB

Notes of Fin. Dept and subsequent notes of Dept. Dept. on pp. 2 above may be perused with reference to orders at 'A' above a draft order is placed below for approval.

gmp 21.2.51. Ker 21.2.51.

Rev 21 2 57 Asst 21/2 WS